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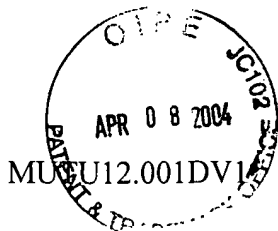
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D # C #
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kim et al.) Group Art Unit Unknown
App. No. : 10/718,083)
Filed : November 19, 2003)
For : ORGANIC)
ELECTROLUMINESCENT)
DEVICES USING DOUBLE-)
SPIRO ORGANIC)
COMPOUNDS)
Examiner : Unknown)

PETITION UNDER 37 C.F.R. § 1.53(e)(2)
TO REVIEW THE NON-ACCORDANCE OF FILING DATE

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

Applicants hereby respectfully petition the Commissioner to review the above-captioned application for compliance with filing requirements, specifically those pertaining to the filing of drawings under 35 U.S.C. § 113 and 37 C.F.R. § 1.81, and accord the filing date of November 19, 2003 to the above-captioned application.

FACTS

The above-captioned application was deposited with the U.S. Postal Service in an Express Mail envelope on November 19, 2003, in compliance with 37 C.F.R. § 1.10. A copy of the returned postcard confirming the date of deposition by Express Mail is attached hereto as Exhibit A.

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Filed : November 19, 2003

The specification of the above-captioned application refers to Figures 1-9 on page 8, a copy of which is attached hereto as Exhibit B. A hard copy of the drawings was inadvertently not included with the application as it was filed.

The subject matter sought to be patented in the above-captioned application is as follows:

- Claims 1-15 drawn to an organic electroluminescent (EL) device;
- Claim 16 drawn to an electronic device;
- Claims 17-20 drawn to a method of generating visible light; and
- Claims 21-26 drawn to a method of manufacturing an organic EL device.

The applicants' representative received a Notice of Incomplete Nonprovisional Application dated February 19, 2004 issued by the Office of Initial Patent Examination (OIPE) of the U.S. Patent and Trademark Office. In the Notice, the OIPE informed the applicants that a filing date was not accorded to the above-captioned application because the application was deposited without drawings.

PETITION

The claims as filed do not require drawings for support. As such, the application was complete as of the original filing state.

35 U.S.C. § 113 and 37 C.F.R. § 1.81(a) require an application to include drawings if the drawings are necessary for the understanding of the subject matter sought to be patented. The Manual of Patent Examining Procedure (M.P.E.P.) instructs that the OIPE consider drawings as necessary if the application refers to the drawings in the specification. *See* M.P.E.P. § 608.02 at the first paragraph under the heading of "Handling Of Drawing Requirements Under the First Paragraph of 35 U.S.C. § 113." It appears that since the specification of the above-captioned patent application refers to the drawings, the OIPE deems the drawings to be necessary.

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However, M.P.E.P. further instructs that an OIPE formality examiner should not treat an application without drawings as incomplete if the drawings are not required. *See Id.* at the third paragraph under the same heading. A drawing is not required for a filing date under 35 U.S.C. §§ 111 and 113 if the application contains: 1) at least one process claim; 2) at least one composition claim; 3) at least one claim directed to an article or product made from a particular material or composition; 4) at least one claim directed to a laminated article; or 5) at least one claim directed to an article where the sole distinguishing feature is the presence of a particular material. *Id.* A nonprovisional application having at least one claim directed to subject matter for which a drawing is usually not considered essential for a filing date, describing drawing figures in the specification but filed without drawings, shall be treated as an application filed without all the drawing as discussed in M.P.E.P. § 601.01(g), so long as the application contains something that can be construed as a written description. *See* M.P.E.P. § 601.01(f) at the fourth paragraph following the situations (A)-(D) in which drawings are usually not considered necessary. For the applications containing a written description but filed without all figures of drawings referred to in the specification, M.P.E.P. instructs that the OIPE issue a “Notice of Omitted Items” indicating that the application have been accorded a filing date. *See* M.P.E.P. § 601.01(g) at the first paragraph.

Applicants respectfully submit that a drawing is not necessary for the understanding of the subject matter claimed in the above-captioned application under 35 U.S.C. § 113 and 37 C.F.R. § 1.81(a). Particularly, Applicants respectfully submit that the present application contains claims for which a drawing is not required in accordance with the standard set forth in M.P.E.P. § 608.02. Claims 1-15 are directed to a laminated article. Claims 17-26 are process claims. Further, Applicants respectfully submit that the present application contains a sufficient written description of the claimed subject matter in the specification. As such, the present application should have been accorded a filing date of November 19, 2004 under the procedure stated in M.P.E.P. §§ 601.01(f) and (g).

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Filed : November 19, 2003

Applicants therefore petition the Commissioner under 37 C.F.R. § 1.53(e)(2) to

- review the notification sent by OIPE,
- find the above-captioned application to be complete and in compliance with the requirements of 35 U.S.C. § 113 and 37 C.F.R. § 1.81(a), and
- reinstate the filing date of November 19, 2003.

Applicants note that this petition is being filed within two months of the mailing date of the Notice, and therefore is considered a timely petition under 37 C.F.R. § 1.181(f).

CONCLUSION

Applicants respectfully petition the Commissioner to find the above-captioned application to be complete since the drawings, although helpful, are not necessary for the understanding of the claimed subject matter. Applicants respectfully petition the Commissioner to reinstate the filing date of November 19, 2003 for the above-captioned patent application.

A petition fee of \$130.00 pursuant to 37 C.F.R. § 1.17(h) is enclosed. If this amount is incorrect, please charge or credit Deposit Account No. 11-1410 for the correct amount.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/6/04

By: 

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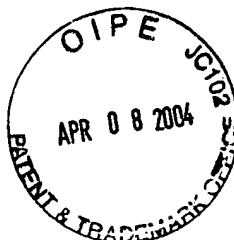


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/718,083	11/19/2003	Kong Kyeom Kim	MUTU12.001DV1

20995
 KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614



CONFIRMATION NO. 9416

FORMALITIES LETTER



OC000000011934111

Date Mailed: 02/19/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.


 Customer Service Center

UTILITY/DESIGN PATENT

Date: NOV. 19, 2003

(application)

Rec'd in the USPTO on the date stamped hereon via:

Express Mail #: EV 323 829 451 US

Docket #: MUTUA 001941 Applicant: Em. dial

Title: ORGANIC ELECTROLYTIC DEVICE USING DIABE -

VERIFIED BY: Asst: HJC Atty: MCK QC: CM

☒ Patent Application in 85 pgs, including Specification and 26 Claims

☐ _____ sheets of Drawings ☐ Recordation Form Cover Sheet

☒ Certificate of Express Mail ☐ Assignment in _____ pgs

☒ Transmittal Letter ☐ POA by Assignee; copy of Assignment

☐ Preliminary Amendment in _____ pgs ☐ \$ _____ Check for Assignment

☐ Decl and Power of Atty

☒ Decl by Inventor(s) Copy

☐ Filed Signed / Unsigned

☒ Information Disclosure Statement; PTO-1449 w/ 1 Ref(s) 031282 U.S. PTO

☒ \$ 838 Check for Filing Fee 10/718083

☐ Return Prepaid Postcard



111903

Exhibit A

Exhibit B

The formation of the layers having one or more functions comprises depositing one or more non-double-spiro compounds.

Brief Description of the Drawings

[0023] Figures 1-6 illustrate simplified cross-sectional views of various exemplary constructions of organic EL devices in accordance with the present invention.

[0024] Figure 7 is a spectrum of light emission from the organic EL device manufactured in Example 42.

[0025] Figure 8 is a spectrum of light emission from the organic EL device manufactured in Example 45.

[0026] Figure 9 is a spectrum of light emission from the organic EL device manufactured in Example 51.

Detailed Description of the Preferred Embodiment

[0027] Now the various aspects of the present invention will be discussed in more detail. It is to be understood at the outset of the description, which follows that persons of skill in the appropriate arts may modify the invention here described while still achieving the favorable results of this invention. Accordingly, the following description is to be understood as being a broad, teaching disclosure directed to persons of skill in the appropriate arts, and not as limiting upon the present invention.

Considerations for new organic EL materials

[0028] The present inventors have invented a group of new organic EL compounds. In the course of the research for new organic EL compounds, the inventors considered various factors relating to the applicability of chemical compounds to the manufacturing of organic EL devices. These factors include, among other things, electroluminescence of candidate chemical compounds, sublimability of the compounds under given manufacturing conditions, thermal stability of thin film made of the compounds, etc.